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5634-2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GEORGE S. MAY INTERNATIONAL)
COMPANY,)
Plaintiff,)
v.) Case No. 04 C 6018
XCENTRIC VENTURES, LLC, *et al.*,) Honorable Judge Norgle
Defendants.) Magistrate Judge Mason

**DEFENDANTS' RESPONSE PURSUANT TO LOCAL RULE 56.1(b)(3)(C)
TO PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS REGARDING
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants, Xcentric Ventures, LLC (“Xcentric”), and Edward Magedson (“Magedson”; collectively “Defendants”), by and through their attorneys, pursuant to Local Rule 56.1, hereby submit their Response to Plaintiff’s Statement of Additional Facts Regarding Defendants’ Motion for Partial Summary Judgment.

¶	Plaintiff's Additional Fact(s)	Defendants' Response
4	GSMIC is one of the largest and oldest management consulting firms in the country, and has been in business since 1925.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.
5	Dorothy May Campbell is the majority shareholder/owner of George S. May International Company and is alive.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.
6	GSMIC's business is, essentially, its people; its team of personnel advises businesses on ways to effectively and efficiently manage their businesses by reducing waste, streamlining operations, increasing profits, and improving responsiveness to the market.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.

¶	Plaintiff's Additional Fact(s)	Defendants' Response
7	Because it is a service-based business as opposed to, for example, a manufacturer, GSMIC relies heavily on the good reputation of its business and its sales force to stay competitive.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.
8	GSMIC has been the target of several false and deceptively misleading postings on the websites, <u>www.ripoffreport.com</u> and <u>www.badbusinessbureau.com</u> (the "websites").	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. Defendants dispute the truth of this statement.
9	The websites and the postings therein are publicly accessible by anyone with an internet connection.	Uncontested.
10	The false, deceptively misleading, and defamatory statements on the websites, including, but not limited to the posting annexed as Exhibit A and B to Defendants' Statement of Uncontested Facts are, therefore, particularly damaging to GSMIC and affect its ability to obtain and retain customers.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.
11	Defendants attempted to enter into a referral agreement with a law firm here in Chicago, Illinois for an \$800,000 fee.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.
12	Via the websites, Defendants solicit non-tax deductible donations, sell books such as the "Ripoff Revenge Guide," advertise for various companies, and solicit various individuals and attorneys to prosecute class action lawsuits against companies.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. However, Defendants do not dispute the truth of this statement solely for purposes of the pending motion.

¶	Plaintiff's Additional Fact(s)	Defendants' Response
13	Once a posting or edited posting is placed on the websites, Defendants refuse to remove the postings, but rather invite companies to enroll in the "Corporate Business and Remediation Program" in which, for a fee, Defendants will investigate the postings and the business and write a report of their findings to be placed on the web sites as a clarification of the posting.	This fact is not material to any issues raised in Defendants' Motion for Partial Summary Judgment. Defendants do not dispute the truth of this statement solely for purposes of the pending motion.

XCENTRIC VENTURES, LLC and EDWARD MAGEDSON

By: _____ /s/ James K. Borgia
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2006, I electronically filed a **Defendants' Response Pursuant to Local Rule 56.1(b)(3)(C) to Plaintiff's Statement of Additional Facts Regarding Defendants' Motion for Partial Summary Judgment** with the Clerk of Court using the CM/ECF system which will send notification of such filings(s) to the following:

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